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ATTORNEYS FOR AGTEXAS FARM CREDIT SERVICES,  
AGTEXAS, PCA AND  
THORLAKSON DIAMOND T FEEDERS, LP

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

IN RE:

MCCLAIN FEED YARD, INC., et al., <sup>1</sup>

Debtors.

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§

CASE NO. 23-20084-RLJ-7

Jointly Administered

**RESPONSE OF AGTEXAS FARM CREDIT SERVICES, AGTEXAS, PCA,  
AND THORLAKSON DIAMOND T FEEDERS, LP TO RABO'S MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY OR, ALTERNATIVELY, FOR ABANDONMENT OF  
CERTAIN CATTLE AND PROCEEDS OF CATTLE**

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<sup>1</sup> The Debtors in these chapter 7 cases are: McClain Feed Yard, Inc. (Case No. 23-20084-RLJ), McClain Farms, Inc. (Case No. 23-20085-RLJ), and 7M Cattle Feeders, Inc. (Case No. 23-20086-RLJ)

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:**

NOW COMES AgTexas Farm Credit Services, AgTexas, PCA (“AgTexas”), and Thorlakson Diamond T Feeders, LP (Thorlakson Feedyards, Inc. a related entity, and Tom Thorlakson, a principal of Keeling Cattle Feeders are mentioned in Rabo’s Motion, but they are not involved in this matter) (“Thorlakson”), by and through their attorneys of record, and files this its Response to Rabo’s Motion for Relief From the Automatic Stay or, Alternatively, For Abandonment of Certain Cattle and Proceeds of Cattle (Document No. 192) (the “Motion”) filed by Rabo AgriFinance LLC (“Rabo”), and would respectfully show the Court as follows:

1. With respect to Rabo’s material allegations in the Motion, concerning 228 cattle, AgTexas and Thorlakson deny these allegations as they may relate to the recovery of any cattle or proceeds by Thorlakson, or its secured lender, AgTexas, as alleged in the Motion.

2. Any cattle removed or proceeds obtained by or on behalf of Thorlakson, as alleged in the Motion, were removed or obtained in good faith and in the ordinary course of the business of Thorlakson. Any cattle removed by Thorlakson were fed and cared for in the ordinary course of its business and Thorlakson incurred related feed and care expenses. Thorlakson does not know if the cattle or proceeds are property of the bankruptcy estate. Rabo also acknowledges in the Motion that it does not know if the Removed Cattle and Proceeds are property of the bankruptcy estate. Considering this, Rabo’s requested relief should be denied. Rabo is adequately protected by its comprehensive liens on property of the bankruptcy estate and related guaranty agreements.

3. Thorlakson and AgTexas do not know who, other than themselves, may have a claim to the relevant proceeds. Thorlakson and AgTexas acknowledge that there may be competing claims to the funds. It is Thorlakson and AgTexas’ position that Rabo’s requested relief should be denied, or that the Court order that relevant proceeds be tendered to and held by the Court or the

Chapter 7 Trustee, pending further orders from the Court.

**WHEREFORE, PREMISES CONSIDERED,** Thorlakson and AgTexas prays that the Court enter an order denying Rabo's Motion in accordance with the above and foregoing Response, and for such other and further relief, in law or in equity, to which they may show themselves justly entitled.

Dated this 28<sup>th</sup> day of March, 2024.

Respectfully submitted,

/s/ Kerry L. Haliburton  
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of  
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ATTORNEYS FOR  
AGTEXAS FARM CREDIT SERVICES,  
AGTEXAS, PCA AND  
THORLAKSON DIAMOND T FEEDERS, LP

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Response to Rabo's Motion for Relief From the Automatic Stay or, Alternatively, For Abandonment of Certain Cattle and Proceeds of Cattle was served via electronic means, unless not available, otherwise by regular United States Mail, first class, postage fully prepaid, on March 28, 2024 to the parties listed below.

/s/ Kerry L. Haliburton  
Kerry L. Haliburton

**DEBTORS:**

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Hereford, TX 76655

McClain Farms, Inc.  
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Benton, KY 42025

7M Cattle Feeders, Inc.  
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